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DEC 23 2005

OFFICE OF PETITIONS

In re Application of	:	
FRISKEN et al.	:	DECISION
Application No. 09/833,515	:	ON PETITION
Filed: April 12, 2001	:	
Attorney Docket No. CR-1331	:	

This is a decision on a renewed petition under 37 CFR 1.137(b), filed December 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed May 20, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 23, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee of \$1400 and the publication fee of \$300; (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the issue fee and publication fee payments are accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

A duplicate payment of the petition fee, issue fee and publication fee has been made. The fees are unnecessary and will be credited to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

The application matter is being forwarded to Office of Patent Publication.

Denise Pothier
Petitions Examiner
Office of Petitions